

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ORANGEBURG DIVISION

Yoangel Martinez Quevedo,)	Case No. 5:23-cv-04480-DCC
)	
Petitioner,)	
)	
v.)	ORDER
)	
Warden Joseph,)	
)	
Respondent.)	
_____)	

Petitioner, a federal prisoner proceeding pro se, is seeking habeas corpus relief pursuant to 28 U.S.C. § 2241. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2), (D.S.C.), this matter was referred to United States Magistrate Judge Kaymani D. West for pre-trial proceedings and a Report and Recommendation (“Report”). On October 30, 2023, Respondent filed a Motion to Dismiss or, in the Alternative, for Summary Judgment. ECF No. 18. On June 12, 2024, the Magistrate Judge issued a Report recommending that the Motion be found as moot and that this matter be dismissed without prejudice. ECF No. 28. The Magistrate Judge advised Petitioner of the procedures and requirements for filing objections to the Report and the serious

consequences for failing to do so. Petitioner has not filed objections to the Report and the time to do so has lapsed.¹

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. See *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a de novo determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The Court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. See 28 U.S.C. § 636(b). The Court will review the Report only for clear error in the absence of an objection. See *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” (citation omitted)).

As stated above, Petitioner has not filed objections to the Report. Upon review for clear error, the Court agrees with the recommendation of the Magistrate Judge. Accordingly, this matter is **DISMISSED** without prejudice. The Motion is **FOUND as MOOT**.

¹ The Court notes that mail sent to Petitioner, including the Report, have been returned as undeliverable. Petitioner was specifically informed that it was his responsibility to keep the Court apprised of his current address. ECF No. 7 at 2.

IT IS SO ORDERED.

s/ Donald C. Coggins, Jr.
United States District Judge

July 25, 2024
Spartanburg, South Carolina